

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR06-5535FDB
)	
Plaintiff,)	
)	ORDER GRANTING UNOPPOSED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE AND MOTIONS DUE DATE
BRIAN FREDERICH-TIBBETS,)	
)	
Defendant.)	

Based on the unopposed motion of the defendant to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation of his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from October 30, 2006
6 to January 16, 2007. The resulting period of delay from October 30, 2006, up to and
7 including the new trial date of January 16, 2007, is hereby excluded for speedy trial
8 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 IT IS FURTHER ORDERED that the time within which pretrial motions must be
10 filed in this case is extended to November 6, 2006.

11 DONE this 18th day of October, 2006.
12
13
14

15
16
17 

18 FRANKLIN D. BURGESS
19 UNITED STATES DISTRICT JUDGE

20 Presented by:
21
22

23 /s/
24 Linda R. Sullivan
25 Attorney for Defendant
26

/s/
David Jennings
Assistant United States Attorney